

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

MOSDOS CHOFETZ CHAIM INC.

Debtor.

CONGREGANTS OF MOSDOS CHOFETZ CHAIM  
INC.A/K/A KIRYAS RADIN

Plaintiff,

-against-

MOSDOS CHOFETZ CHAIM INC., CHOFETS  
CHAIM INC., TBG RADIN LLC,  
CONGREGATION DEVELOPMENT INC., ARYEH  
ZAKS, BEATRICE WALDMAN ZAKS, GITTEL  
ZAKS LAYOSH, ELIYAHU LAYOSH, SAMUEL  
MARKOWITZ, DEBORAH ZAKS HILLMAN,  
YOM T. HENIG, STEVEN GREEN, DANIEL  
GREEN, ABRAHAM ZAKS, and STERLING  
NATIONAL BANK,

Defendants.

**DECLARATION OF SERVICE**

**Bankruptcy Court  
Adv. Pro. 21-7023 (RDD)**

**Case No. 21-0723-rdd**

STATE OF NEW YORK                    )  
  ss.:  
COUNTY OF WESTCHESTER    )

**LAURA IORIO**, being duly sworn, deposes and says:

1. I am not a party to the action, am over 18 years of age and reside in Ossining, New York.
2. On **the 24<sup>th</sup> day of June, 2022**, I served an **ORIGINAL BOND** via Overnight Mail upon **ALL PARTIES NAMED ON THE ANNEXED SERVICE LIST** by depositing true copies of same enclosed in pre-paid, properly addressed wrappers into an official depository under the exclusive care and custody of Federal Express within the State of New York.

Sworn to before me this  
24<sup>th</sup> day of June, 2022



Notary Public

**WILLIAM V. COLEMAN**  
Notary Public, State of New York  
No. 02CO6041243  
Qualified in Westchester County  
Commission Expires Feb. 19, 2024

**STATEMENT SERVICE LIST**

Tracy L. Klestadt, Esq.  
Klestadt Winters Jureller Southard & Stevens, LLP  
200 West 41<sup>st</sup> Street, 17<sup>th</sup> Floor  
New York, NY 10036

  
LAURA IORIO

ORIGIN ID: NESA (914) 607-7010	SHIP DATE: 24JUN22
LAURA IORIO	ACTWGT: 0.50 LB
ABRAMS, FENSTERMAN	CAD: 101416928/NET 4490
81 MAIN ST	
STE 400	
WHITE PLAINS, NY 10601	
UNITED STATES US	
BILL SENDER	
TO TRACY L KLESTADT, ESQ.	
200 WEST 41ST STREET	
17TH FLOOR	
NEW YORK NY 10036	
(914) 607-7010	REF: 25206-1
PO:	DEPT:
	
	
JZZ2022041201uy	
TRK# 7772 2284 7158	SATURDAY 9:30A
0201	FIRST OVERNIGHT
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NY-US	10036
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## Great American Insurance Company

In the United States Bankruptcy Court  
Southern District State of New York

MOSDOS CHOFETZ CHAIM INC.

Debtor,

CONGREGANTS OF MOSDOS CHOFETZ CHAIM INC. AKA/ KIRYAS RADIN,

Plaintiff,

vs

MOSDOS CHOFETZ CHAIM INC., CHOFETZ CHAIM  
INC., TBG RADIN LLC, SHEM OLAM, LLC,  
CONGREGATION RADIN DEVELOPMENT INC., ARYEH  
ZAKS, BEATRICE WALDMAN ZAKS, MENDEL ZAKS,  
GITTEL ZAKS LAYOSH, ELIJAHU LAYOSH, SAMUEL MARKOWITZ,  
DEBORAH ZAKS HILLMAN, YOM T.  
HENIG, STEVEN GREEN, DANIEL GREEN, ABRAHAM ZAKS and  
STERLING NATIONAL BANK,

Defendants,

Case No. 21-07023-rdd

### UNDERTAKING UNDER SECTION Appeal

Great American Insurance Company  
301 E 4th St  
Cincinnati, OH 45202

WHEREAS MAYER ZAKS, ON BEHALF OF HIMSELF AND SIMA ZAKS, WEINTRAUB, ARON ZAKS, HENNOCH ZAKS, YOSEFTZVI ZAKS, NACHUM Z. BRODY, LEAH BRODY, YISROEL HOCHMAN, AND FAIGY HOCHMAN ("THE ZAKS") DESIRES TO GIVE AN UNDERTAKING FOR AN APPEAL FROM THE ORDER OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK "BANKRUPTCY COURT", DATED APRIL 14, 2022 ("APRIL 14TH ORDER"), EVICTING THE ZAKS FROM THEIR HOMES (THE "APPEAL"),

NOW THEREFORE, THE UNDERSIGNED SURETY, DOES HEREBY OBLIGATE ITSELF, JOINTLY AND SEVERALLY, TO CONGREGATION RADIN DEVELOPMENT INC., UNDER SAID STATUTORY OBLIGATIONS, IN THE SUM OF FORTY-TWO THOUSAND TWO HUNDRED TWENTY-FIVE DOLLARS (\$42,225). THAT OBLIGATION IS MADE TO PAY FUTURE USE AND OCCUPANCY CHARGES FOR THE ZAKS' RESIDENTIAL UNITS, AS CALCULATED AND DIRECTED IN ACCORDANCE WITH THE BANKRUPTCY COURT'S ORDER OF JUNE 1, 2022.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, IF THE ZAKS SHALL WELL AND TRULY PROSECUTE THE APPEAL WITH EFFECT AND SHALL, IF THE JUDGMENT OF THE APPELLATE COURT BE AGAINST IT, PERFORM SUCH JUDGMENT OR DECREE OF SAID COURT, AND PAY ALL SUCH SUMS AS MAY BE AWARDED AGAINST IT ON SUCH APPEAL, THEN THIS OBLIGATION SHALL BE VOID; OTHERWISE TO REMAIN IN FULL FORCE AND EFFECT; THE CONDITION FOR PAYMENT OF THE BOND IS THE DISMISSAL OF THE APPEAL OR THE AFFIRMANCE OF THE APPEAL OF THE BANKRUPTCY COURT'S JUDGEMENT OF APRIL 14, 2022 OR ANY MODIFIED JUDGMENT IN FAVOR OF CONGREGATION RADIN DEVELOPMENT INC.

IN WITNESS WHEREOF, The corporate seal and name of the said Surety Company is hereto affixed and attested by Valerie Aber, who declares under penalty of perjury that he is its duly authorized Attorney-in-Fact acting under an unrevoked power of attorney on file with the Clerk of the County in which above entitled Court is located.

Executed at Litchfield Park, AZ, 10th on June 2022

Bond No. E706584

Great American Insurance Company

Attorney-in-Fact Valerie Aber



A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT

STATE OF ARIZONA }  
COUNTY OF MARICOPA } ss.

ON 06/10/2022 BEFORE ME, Joshua Ferman

PERSONALLY APPEARED VALERIE ABER, ATTORNEY-IN-FACT

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES) AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF ARIZONA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE



THIS AREA FOR OFFICIAL NOTORIAL SEAL.

**GREAT AMERICAN INSURANCE COMPANY®**

Administrative Office: 301 E 4TH STREET • CINCINNATI, OHIO 45202 • 513-369-5000 • FAX 513-723-2740

The number of persons authorized by  
this power of attorney is not more than one

Bond No. E706584

**POWER OF ATTORNEY**

**KNOW ALL MEN BY THESE PRESENTS:** That the GREAT AMERICAN INSURANCE COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Ohio, does hereby nominate, constitute and appoint the person or persons named below its true and lawful attorney-in-fact, for it and in its name, place and stead to execute on behalf of the said Company, as surety, the specific bond, undertaking or contract of suretyship referenced herein; provided that the liability of the said Company on any such bond, undertaking or contract of suretyship executed under this authority shall not exceed the limit stated below. The bond number on this Power of Attorney must match the bond number on the bond to which it is attached or it is invalid.

Name	Address	Limit of Power
Valerie Aber	13341 W Indian School Road, Suite 305 Litchfield Park, AZ 85340	\$42225—

IN WITNESS WHEREOF the GREAT AMERICAN INSURANCE COMPANY has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 10th day of June 2022 .  
Attest  
GREAT AMERICAN INSURANCE COMPANY



*Atty L C B*  
Assistant Secretary

*Mark V Vicario*  
Divisional Senior Vice President

STATE OF OHIO, COUNTY OF HAMILTON - ss:

On this 10th day of June 2022, before me personally appeared MARK VICARIO, to me known, being duly sworn, deposes and says that he resides in Cincinnati, Ohio, that he is a Divisional Senior Vice President of the Bond Division of Great American Insurance Company, the Company described in and which executed the above instrument; that he knows the seal of the said Company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of his office under the By-Laws of said Company, and that he signed his name thereto by like authority.



SUSAN A KOHORST  
Notary Public  
State of Ohio  
My Comm. Expires  
May 18, 2025

*Susan A Kohorst*

This Power of Attorney is granted by authority of the following resolutions adopted by the Board of Directors of Great American Insurance Company by unanimous written consent dated June 9, 2008.

**RESOLVED:** That the Divisional President, the several Divisional Senior Vice Presidents, Divisional Vice Presidents and Divisional Assistant Vice Presidents, or any one of them, be and hereby is authorized, from time to time, to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment at any time.

**RESOLVED FURTHER:** That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract of suretyship, or other written obligation in the nature thereof, such signature and seal when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

**CERTIFICATION**

I, STEPHEN C. BERAHA, Assistant Secretary of Great American Insurance Company, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of June 9, 2008 have not been revoked and are now in full force and effect.

Signed and sealed this 10th day of June 2022 .



*Atty L C B*  
Assistant Secretary

**STATE OF NEW YORK  
DEPARTMENT OF FINANCIAL SERVICES**

**CERTIFICATE OF SOLVENCY UNDER SECTION 1111 OF THE NEW YORK INSURANCE  
LAW**

It is hereby certified that

**Great American Insurance Company  
of Cincinnati, Ohio**

a corporation organized under the laws of Ohio and duly authorized to transact the business of insurance in this State, is qualified to become surety or guarantor on all bonds, undertakings, recognizances, guaranties, and other obligations required or permitted by law; and that the said corporation is possessed of a capital and surplus including gross paid-in and contributed surplus and unassigned funds (surplus) aggregating the sum of \$2,859,579,297. (Capital \$15,440,600), as is shown by its sworn financial statement for the quarter ending, September 30, 2021, on file in this Department, prior to audit.

The said corporation cannot lawfully expose itself to loss on any one risk or hazard to an amount exceeding 10% of its surplus to policyholders, unless it shall be protected in excess of that amount in the manner provided in Section 4118 of the Insurance Law of this State.



In Witness Whereof, I have here-  
unto set my hand and affixed the  
official seal of this Department  
at the City of Albany, this 3rd  
day of January, 2022.

**Adrienne A. Harris  
Acting Superintendent**

By

A handwritten signature in black ink, appearing to read "Colleen M. Draper".

**Colleen M. Draper  
Special Deputy Superintendent**

